

Submission under 37 C.F.R. 1.114
Serial No. 09/987,901
Attorney Docket No. 011543

REMARKS

Claims 1-9 are pending in the present application. Claim 1-8 are rejected. Claims 1, 2, 6, and 8 are herein amended. New claim 9 is added herein.

Applicant's Response to Claim Rejections under 35 U.S.C. §112

Claims 1-8 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.

It is the position of the Office Action that the limitation “to be accordion-folded along the perforation” is unclear because an accordion fold comprises multiple folds along multiple opposing perforated lines in a continuous sheet. It appears that the Office Action’s rejection is based on confusion as to the recitation of a single perforation or multiple perforations. Therefore, in response, Applicant herein amends the claims in order to recite “perforations.” Applicant submits that such an amendment will be sufficient to overcome the rejection.

The Office Action also rejects the claims because the term “both edges” is unclear, since a table has at least four edges and therefore the word “both” is not specific. Therefore, in response, Applicant amends the claims to recite “two edges” instead of “both edges.” Favorable reconsideration is respectfully requested.

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Applicant's Response to Claim Rejections under 35 U.S.C. §103

Claims 1-4, 6 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Branick (U.S. Patent No. 3,917,250).

It is the position of the Office Action that **Branick** discloses the invention as claimed, with the exception of a table. The Office Action relies on Official Notice to provide this teaching. **Branick** discloses a strip laying apparatus having a feed apparatus 11, which is comprised of a guide rod assembly 56 with an upper tubular member 60 and a lower rod member 58, and guide assemblies 52 and 54. The feed mechanism is moved by a carriage assembly 12 or 12' which is disposed either at the end of guide rod assembly 56 (Fig. 2), or in the middle of guide rod assembly 56 (Fig. 12).

The Office Action is broadly interpreting guide assemblies 52 and 54 as rectangular plates and broadly interpreting the guide rod assembly 56 to be a swing arm. It is noted that the Office Action does not appear to give the perforated paper patentable weight, since the paper is a proposed use of the device, rather than a part of the device.

In response, Applicant herein amends the claims to recite that the swing arm is pivoted about an axis by a swing operation motor disposed in said axis. As illustrated in Figure 6, the swing arm is moved about the axis passing through shaft members 93 and 94 by swing operation motor 103. In contrast, in the device of **Branick**, the guide rod assembly 56 is moved by a carriage assembly 12 or 12' located either at the end of or in the middle of the guide rod assembly. Disposing the swing operation motor 103 in the pivot axis allows for a construction without parts which may obstruct the continuous paper being fed through the swing arm.

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Furthermore, the Office Action takes Official Notice that it would have been obvious to provide a table upon which to set container B of **Branick** for support. Applicant further submits that the combination of the Official Notice with **Branick** does not disclose the invention as claimed. The claims recite “a table that receives the folded continuous paper via the swing arm.” The Official Notice is instead directed to a table that supports a container that receives the continuous medium. Favorable reconsideration is respectfully requested.

Applicant also herein adds new claim 9. The feature that “the telescopic structure is formed with the rectangular plates” is clearly recited in the new claim. Support for this amendment is found in the specification at page 10, line 1 to page 11, line 14. In **Branick**, the guide rod assembly 56 composed of the upper tubular member 60 and the lower rod member 58 is telescopic, rather than the rectangular guide assembly 52 and 54. Please see **Branick**, column 2, line 46 to column 3, line 10. **Fischer** also fails to disclose such a rectangular member. Favorable consideration is respectfully requested.

Claims 1, 3, 6 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fischer (U.S. Patent No. 4,097,039).

It is the position of the Office Action that **Fischer** discloses the invention as claimed, with the exception of a table. The Office Action relies on Official Notice to provide this teaching. **Fischer** discloses a strip laying apparatus having a feed chute 13 which is moved by linkage assembly 157, primary slider 16, and secondary slider 14. It appears that the Office Action broadly interprets the linkage assembly as a swing arm.

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Applicant notes that **Fischer** is distinguishable from the invention of the present application in numerous ways. The feed chute 13 which guides the strip material 12 is not telescopic. The linkage assembly 157 is telescopic, but does not directly guide the strip material. Instead, linkage assembly 157 helps to move the feed chute 13, which guides the strip material 12.

Applicant respectfully submits that the above-discussed claim amendments reciting a swing operation motor in the pivot axis of the swing arm are sufficient to distinguish over **Fischer**, since **Fischer** does not disclose such a swing operation motor.

As with the above rejection, the Office Action takes Official Notice that it would have been obvious to provide a table upon which to set container B of **Fischer** for support. Applicant further submits that the combination of the Official Notice with **Fischer** does not disclose the invention as claimed. The claims recite “a table that receives the folded continuous paper via the swing arm.” The Official Notice is instead directed to a table that supports a container that receives the continuous medium. Favorable reconsideration is respectfully requested.

Claims 1-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Branick in view of Martin et al. (U.S. Patent No. 5,062,597).

It is the position of the Office Action that **Branick** discloses the invention as claimed, with the exception of a table that moves vertically and a detection mechanism for controlling vertical movement. The Office Action relies on **Martin** to provide this teaching. It is noted that

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although the Office Action rejects claims 1-8 based on this reasoning, the features to which the Office Action refers are only recited in claim 5.

In response to this rejection, Applicant respectfully submits that claim 5 is patentable due to its dependency on claim 1, which Applicant submits is patentable for the reasons discussed above. Favorable reconsideration is respectfully requested.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned agent.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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